

Carlisle Conservation Commission
February 11, 2010

Chair Peter Burn called the meeting to order at 7:40 p.m. in the Heald Room at the Carlisle Town Hall. In addition to Burn, also present were Commissioners Tom Brownrigg, Jen Bush, Kelly Guarino (8:25), Debra Kimbrell-Anderson, Tricia Smith, Diane Troppoli and Conservation Administrator Sylvia Willard.

Bills, General Agenda Items, New Business:

Maple Tree Tapping Agriculture Agreement: Verena Wieloch was present to discuss the request submitted by the non-profit organization Gaining Ground for permission to tap ten sugar maple trees on the Towle Conservation Land along Westford Street. Gaining Ground was the sole applicant responding to the Public Notice for an Agricultural Agreement for tapping the sugar maples on Towle. According to Wieloch, in addition to growing 20,000 pounds of organic fruits and vegetables with the help of hundreds of community volunteers, the group has been running a small sugaring operation for the past ten years, partnering with public and private tree owners in Concord and Lincoln to produce syrup and enabling them to expand their assistance to local meal programs and food pantries. The proposed tapping program at Towle would run from mid February through early March, at which time the taps would be removed. The group would rely on the guidance of the Commission to determine the health of the trees to be tapped before commencing the activity. The details of the proposal received support from the Land Stewardship Committee and met with the Commission's approval. *Bush moved issue an Agricultural Agreement to allow Gaining Ground to tap ten maple trees along Route 225 (Westford Street) at Towle Field from February 11 through April 1, 2010. Kimbrell-Anderson seconded and all voted in favor.*

The group plans to do a public presentation on tapping at Towle within the next few weeks and is presently exploring the possibility of speaking with Carlisle Public and Middle School classes about the program.

7:45 p.m. (DEP 125-0880) Abbreviated Notice of Intent, Continued Hearing

Applicant: Margery & Edgar Berube

Project Location: 784 North Road

Project Description: Removal of 18 trees within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Burn opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The application had received a DEP File Number subsequent to the previously opened hearing during which the proposal had met with the Commission's approval, *Smith moved to close DEP #125-0880, Bush seconded and all voted in favor. Smith moved to issue a Standard Order of Conditions, Kimbrell-Anderson seconded and all voted in favor, with the exception of Brownrigg, who abstained.*

7:50 p.m. (DEP 125-0879) Notice of Intent, Continued Hearing

Applicant: Sharyl and Scott Stropkay

Project Location: 173 Rockland Road

Project Description: Installation of a sewage disposal system, well, culvert and associated grading; repaving an existing driveway

Burn opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Willard reported that a copy of the filing had been resubmitted to the DEP. Being that the previous hearing had been continued pending the issuance of the DEP File Number and with the Plan meeting with the Commission's approval, *Smith moved to close the hearing for DEP #125-0879, Bush seconded and all voted in favor. Smith moved to issue a Standard Order of Conditions referencing the revised dated February 1, 2010, Bush seconded and all attending voted in favor, with the exception of Brownrigg, who abstained.*

Certificate of Compliance: (DEP 125-0825) 274 Heald Rd., Issued: 1/8/2008, Project: Septic System Replacement. Based on Willard's recommendation that she found the work to have been completed satisfactorily in compliance with the Orders of Conditions, *Smith moved to issue a Certificate of Compliance for DEP #125-0825, Bush seconded and all attending voted in favor.*

LSC/ConsCom Letter to ZBA: Liz Carpenter was present to receive comments on the draft joint letter to be sent to the Zoning Board of Appeals with regard to the Benfield Farms Comprehensive Permit Application. The purpose of the letter is to ensure that the Town-owned conservation lands are maintained and used for the primary conservation goals under which these lands were acquired and protected. The letter also requested additional detail on the design of the septic field and well to determine if the terms of CR57 will be met. Also cited in the letter are concerns relevant to the certified vernal pool that is adjacent to the planned construction activities, with a request that the timing of any construction be subject to the approval of the Commission in order to protect vernal pool animals such as wood frogs and salamanders during migration to and from the pool. Carpenter will incorporate the suggestion from the Commission that it be made clear that the letter includes, but is not limited to, those issues cited in the letter.

8:00 p.m. Foss Farm Community Gardens Management Rules: Lynn Knight was present to discuss the Land Stewardship Committee's proposed revisions the Community Garden Rules and Plot Application Forms. The revisions were based on feedback received at a Gardeners' Meeting held on February 2, 2010 during which the existing rules were discussed, as well as by conducting a thorough review of rules established by neighboring towns. Knight will incorporate suggestions put forth by the Commission and the revised rules will receive a final review at a Public Hearing scheduled for February 25, 2010. The draft rules will be posted on the Commission's website and a hard copy will be made available at the Gleason Library.

The Commission expressed their deep appreciation to Bob Dennison for his many years of volunteer service as the Foss Farm Community Garden Manager.

8:30 p.m. (DEP 125-0878) Notice of Intent, Continued Hearing

Applicant: Philip Giffey, Neighborhood of Affordable Housing, Inc, (NOAH)

Project Location: 273 South Street

Project Description: Residential community consisting of 26 residential rental units & associated site improvements including drives, parking, stormwater management, on-site septic and water supply

Burn opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Mark Beaudry of Meridian Associates was present to provide an update regarding the Riverfront Area on the Benfield Farms parcel subsequent to the previous hearing. He reported that wetland consultants Mason & Associates had attempted to determine the limit of the 200-foot Riverfront Area along Spencer Brook on February 2, 2010, but were unsuccessful due to icing conditions in the marsh and along the river. The consultant will re-attempt the necessary field work as soon as site conditions permit.

With regard to the stream that runs along the west side of the property and adjacent to the proposed housing, Beaudry supported their previous determination that it should be classified as intermittent stream for permitting purposes by presenting an Affidavit and supporting evidence submitted by abutter Jeffrey Kiel, who had been documenting the stream conditions since 2005 in accordance the requirements of the Wetlands Protection Act and regulations for the Riverfront Resource Area. Beaudry distributed the streamflow statistics report derived by Meridian's wetland consultant Mason & Associates, from the U.S.G.S. Streamstats on-line modeling program. This review further supported the documentation submitted by Kiel. The Commission agreed to allow the applicant to proceed with the assumption that the stream is intermittent, subject to a review upon receipt of any additional information proving otherwise.

Beaudry then provided an update on the status of the plan redesign being undertaken in accordance with NHESP requirements to reduce upland clearing. Along these lines, Beaudry informed the Commission that a meeting is scheduled for February 12 with the Carlisle Fire Department in order to negotiate road width requirements and parking configuration issues. In response to concerns previously expressed by the Commission relative to activities allowed in a Zone I Public Water Supply Well, Beaudry reported having requested written clarification on potential uses from the DEP, the response to which will be forwarded upon receipt.

With the representative's approval, the hearing was continued to February 25, 2010 at 9:00 p.m.

9:10 p.m. (DEP 125-0881) Notice of Intent

Applicant: William O'Brien, Pinnacle Partners

Project Location: 142 Bedford Road

Project Description: Removal of an existing dwelling and driveway and construction of a proposed dwelling, soil absorption system and associated site work

Burn opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski and McNary presented the Plan. A previous Order of Conditions on this project had expired with only the demolition of the previously existing home undertaken.

The wetlands delineation was reevaluated and relocated where required by B & C Associates relative to the previous Plan. The entire site is within the 100' Buffer Zone of a BVW. The new proposal includes construction of a new dwelling, driveway and associated site work and the replacement of the sewage disposal system. Ewing stated that they are using the same Plan as was used for the previous filing, with the exception of changes required by the BOH, from whom approval is pending. He noted that the existing cesspool is located within the BVW and the proposed system would be located 56' away from the BVW, thereby providing a significant improvement in protecting the interests of the WPA. Willard requested that the Riverfront Area that exists on the property be delineated on the Plan and that the location of silt barrier be reinstalled in accordance with the previously approved Plan. The hearing was continued to February 25, 2010 at 9:00 pm pending a review by the BOH.

COC (DEP #125-781) 142 Heald Road: In accordance with the applicant's request for a COC on the previous filing for the razing of the existing structure and since this portion of the project was completed satisfactorily in compliance with the Orders of Conditions, *Smith moved to issue a Certificate of Compliance for DEP #125-781, Troppoli seconded and all voted in favor.*

9:25 p.m. Enforcement Order - 779 West Street: Representing the applicant, contractor Jon Storer was present to review the documents that had been submitted in accordance with the requirements of the Enforcement Order. The EO was issued on November 9, 2009 for violations to the Order of Conditions for

the construction of a Japanese Garden. In response to the Garden Management Plan produced by John Russo of Zen Associates, the Commission found the proposal to be inadequate relative to the detail provided in terms of plant installations, invasive plant removal and ongoing management practices, requesting that the representative provide a revised Plan to be prepared and attested to by wetland scientist. The Restoration Plan that had been prepared by Stamski and McNary to address damage done to the BVW was found to be acceptable, with the exception that it be revised to include detail for the proposed restoration of the grading along the edge of the pond. Willard reported having overlaid the proposed Restoration Plan, confirming that the location of the excavation for the pond was not in accordance with the approved Plan of Record. The required documents must be submitted by March 12 in order to avoid a possible revocation of the Orders of Conditions, with the discussion being continued to March 18, 2010 at 8:45 p.m.

Warrant Articles: *Guarino moved to submit a Warrant Article requesting that the Commission's Foss Farm, Building and the Wetlands Bylaw Fee **Revolving Accounts** be carried forward to FY11. Smith seconded and all voted in favor. Smith moved to submit a Warrant article for Town funding of costs associated with structural repairs and building code requirements for the **Cranberry Bog House**, Guarino seconded and all voted in favor.* The Warrant article notes that the request would be withdrawn if the Town approves full funding of the Bog House repairs under a separate Warrant submitted for Community Preservation Act funding.

10:19 p.m. *Bush moved to adjourn, Troppoli seconded and all voted in favor.*

Respectfully submitted,
Mary Hopkins
Administrative Assistant